

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

PRINCE SPELLMAN,

Defendant.

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8:08CR353

ORDER

This matter is before the court on the defendant's motion for extension of time in which to file pretrial motions (Doc. 18). Upon review of the file, and for good cause shown, the court finds that the motion should be granted.

IT IS ORDERED that the motion (Doc. 18) is granted, as follows:

1. The deadline for filing pretrial motions is extended to **December 5, 2008**. The trial now set for January 6, 2009 is cancelled and will be rescheduled after December 5, 2008 or after the resolution of all substantive pretrial motions.

2. In accordance with [18 U.S.C. § 3161\(h\)\(8\)\(A\)](#), the court finds that the ends of justice will be served by granting this motion and outweigh the interests of the public and the defendant in a speedy trial. Any additional time arising as a result of the granting of this motion, that is, the time between **November 24, 2008 and December 5, 2008**, shall be deemed excludable time in any computation of time under the requirement of the Speedy Trial Act because counsel require additional time to adequately prepare the case, taking into consideration due diligence of counsel and the novelty and complexity of this case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(8)(A) & (B)(iv).

3. Defendant shall file an affidavit or declaration regarding speedy trial, as required by [NECrimR 12.1 and/or 12.3](#), as soon as is practicable.

DATED December 1, 2008.

BY THE COURT:

s/ F.A. Gossett
United States Magistrate Judge